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Dated: February 11, 2010

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[FILE 09-020573 HSF]

REDFIELD T. BAUM, SR
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case # 2:09-bk-24254-RTB

JOE BENITEZ AND DIANE BENITEZ,

Chapter 13 Proceedings

Debtor.

Beneficial Mortgage Co of
Arizona, its assignees and /
or successors in interest,
Movant,

ORDER LIFTING
THE AUTOMATIC STAY

v.

Re: Real Property located at
4802 North 78th Avenue
Phoenix, AZ 85033

JOE BENITEZ AND DIANE BENITEZ,
Debtor, and Chapter 13 Trustee
Edward J. Maney,
Respondents.

The court finds that a Motion for Relief From the Automatic Stay and a Notice of Filing of the Motion have been filed with the Court and served upon interested parties in the above captioned matter by Beneficial Mortgage Co of Arizona, ("BENEFICIAL"), and that good cause exists to grant the Motion for Relief;

1 **THEREFORE, IT IS ORDERED:**

2 1. BENEFICIAL, its assignees or successors-in-interest, is
3 hereby granted relief from all stays against lien enforcement
4 including the automatic stay imposed under 11 U.S.C. § 362 and
5 the automatic injunction of 11 U.S.C. § 524(a) with reference to
6 the real property generally described as 4802 North 78th Avenue,
7 Phoenix, AZ 85033 and legally described as:

8 LOT 38, OF PONDEROSA HOME WEST UNIT ONE, ACCORDING TO
9 THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY
10 RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK
11 155 OF MAPS, PAGE 47.

12 2. BENEFICIAL may begin or continue foreclosure proceedings
13 following applicable law and / or enforce any contract or state
14 law remedies it has against said real property.

15 3. Should Debtor fail to vacate the Property following
16 foreclosure, BENEFICIAL may pursue any legal remedies in state
17 court to remove the Debtor from the Property.

1 4. Unless and until otherwise ordered, the Automatic Stay
2 imposed against BENEFICIAL shall remain lifted under this and
3 any other chapter of the Bankruptcy Code to which this case may
4 convert.

5 DATED: _____

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7 _____
8 U. S. Bankruptcy Court Judge
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